

Message Text

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ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 AF-10 ARA-10 EA-10 EUR-12

NEA-10 SMS-01 ACDA-12 AGRE-00 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00

EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00 H-01

INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSF-01 OES-09

OMB-01 PA-01 PM-05 SP-02 SS-15 NSCE-00 SSO-00

ICAE-00 INRE-00 DOEE-00 /175 W

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FM USMISSION USUN NEW YORK

TO AMEMBASSY OTTAWA IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 3201

C O N F I D E N T I A L USUN NEW YORK 03462

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: PROTECTION OF WHALES AND OTHER MARINE
MAMMALS

1. THE US LOS DELEGATION HAS BEEN WORKING FOR SOME TIME TO GAIN ACCEPTANCE OF A CLARIFYING AMENDMENT TO ARTICLE 65 OF THE ICNT ON MARINE MAMMALS. MAJOR ENVIRONMENTAL ORGANIZATIONS HAVE MADE ATTAINMENT OF THIS OBJECTIVE A KEY ITEM IN THEIR POTENTIAL SUPPORT FOR AN LOS TREATY. INDEED, IT HAS ONLY BEEN THROUGH PATIENT CONSIDERATION OF THIS ISSUE WITH SUCH GROUPS THAT WE HAVE COME UP WITH A MODEST PROPOSAL TO ATTAIN THAT END. THE SUPPORT OF THESE GROUPS IS IMPORTANT TO BROAD BASED SUPPORT AND RATIFICATION OF AN LOS TREATY.

2. THE US LOS DELEGATION DURING THE MARCH-MAY PORTION OF THE SEVENTH SESSION DISTRIBUTED TO VARIOUS DELEGATIONS, INCLUDING CANADA, A PROPOSED AMENDMENT TO THE ARTICLE ON
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MARINE MAMMALS. THE OBJECT OF THE AMENDMENT WAS TO CLARIFY RPT CLARIFY THE INTENT OF THE ARTICLE THAT THE MINIMUM CONSERVATION STANDARD OF ARTICLE 61 APPLIES. THE AMENDMENT ALSO INDICATED THAT STATES SHOULD COOPERATE THROUGH AN INTERNATIONAL ORGANIZATION FOR THE PROTECTION, CONSERVATION AND UNDERSTANDING OF MARINE MAMMALS. CANADIAN LOS DELEGATION, AND MR. APPLEBAUM, IN PARTICULAR INDICATED THAT WHILE

THEY AGREED WITH THE THRUST OF THE ARTICLE, THEY COULD NOT RPT NOT AGREE WITH THE SUGGESTED AMENDMENT AS DRAFTED.

3. CANADA INJECTED LOS IN A MAJOR WAY AT THE RECENT MEETING IN COPENHAGEN TO RENEGOTIATE THE INTERNATIONAL WHALING CONVENTION (IWC). THEY ATTEMPTED TO DISTORT THE MEANING OF THE LOS TEXT BUT WERE REBUFFED BY AUSTRALIA AND THE US. THE POSITION THEY TOOK WAS CONTRARY TO US VIEWS OF SOUND CONSERVATION AND PROTECTION OF MARINE MAMMALS.

4. WE BELIEVE, HOWEVER, THAT THERE IS NO REASON WHY THE CANADIANS CANNOT SUPPORT (AT THE LOS CONFERENCE) OUR PROPOSED AMENDMENT TO THE WHALE ARTICLE AND WE WOULD REQUEST EMBASSY OTTAWA TO INDICATE ASAP TO APPROPRIATE OFFICIALS THE IMPORTANCE POLITICALLY THAT WE ATTACH TO THIS ARTICLE AND MAKE POINTS PARA 5 BELOW. IT WOULD BE ANOMALOUS, AND PERHAPS EMBARRASSING TO GOC, IF SOVIETS AND JAPAN ACQUIESCED IN AMENDMENT REGARDING CONSERVATION AND CANADA OPPOSED IT. SOVIETS HAVE INDICATED AMENDMENT IS SATISFACTORY. JAPAN IS STUDYING ISSUE. AMENDMENT AS IT WAS PREVIOUSLY FORMULATED IS ACCEPTABLE TO ARGENTINA, CHILE, KENYA, UK AND OTHERS. FYI: IT SHOULD BE NOTED THAT AMBASSADOR BEESLEY SUGGESTED THAT SUCH A DEMARCHE MIGHT BE HELPFUL. HE ALSO SUGGESTED THAT WE INDICATE THAT THE US ATTACHES HIGH PRIORITY TO THE ISSUE. END FYI.

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5. TALKING POINTS:

-- THE USG ATTACHES HIGH PRIORITY TO THE MODIFICATION OF THE ARTICLE ON MARINE MAMMALS.

-- MANY IMPORTANT ENVIRONMENTAL ORGANIZATIONS SUPPORT OUR PROPOSED AMENDMENT. THEIR SUPPORT IS ESSENTIAL TO RATIFICATION OF AN ULTIMATE LOS TREATY.

-- THE CHANGES WE PROPOSE ARE QUITE MODEST AND RECOGNIZE THE INTERESTS OF BOTH THE COASTAL STATE AND THE INTERNATIONAL ORGANIZATION.

-- IN LIGHT OF CONSULTATIONS WITH OTHER COUNTRIES WE HAVE MODIFIED OUR PROPOSAL PREVIOUSLY GIVEN TO YOU (SEE PARA 6) A COPY OF WHICH WE HAVE GIVEN TO AMBASSADOR BEESLEY.

-- WE URGE YOUR SUPPORT FOR THIS PROPOSAL.

6. AMENDMENT NOW READS: QUOTE - NOTHING IN THE PRESENT CONVENTION RESTRICTS THE RIGHT OF A COASTAL STATE OR THE COMPETENCE OF AN INTERNATIONAL ORGANIZATION, AS APPROPRI-

ATE, TO PROHIBIT OR MORE STRICTLY REGULATE OR LIMIT THE
EXPLOITATION OF MARINE MAMMALS. STATES SHALL COOPERATE
WITH A VIEW TO THE CONSERVATION OF MARINE MAMMALS THROUGH
AN INTERNATIONAL ORGANIZATION FOR THE CONSERVATION AND STUDY
OF MARINE MAMMALS. UNQUOTE. YOUNG

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